Resources and Resource Protection:
The State of Archaeology
in Vermont State Government
by Lydia C. Pitkin

Introduction

Vermont’s archaeological resources encompass many time periods, and provide insight into the lives of both prehistoric and historic Native Americans and historic Euro-Americans in the state. In the 1960s the United States government began to take action in historic preservation, with the National Historic Preservation Act, and the State of Vermont, in 1975, followed suit with legal advances in environmental protection, including both historic and archaeological resources in their lawmaking. These actions along with others helped bring archaeological resources and their investigation into the public eye, and from then on, archaeological heritage management has become an important mission in Vermont’s state government. These efforts also unearthed a much richer Native American history than people had originally thought existed in Vermont. Since the late 1970s, archaeology in Vermont has continued to increase and thrive as an academic study and component of the regulatory process, helping to preserve both prehistoric and historic archaeological sites and discover elements about the state’s past.

Regulations Involved in Vermont State Archaeology

Understanding archaeological and historical resource protection in Vermont requires beginning first with defining “historic” and “prehistoric” and understanding their meaning to the history of the state. Then an understanding of the laws can develop; of the regulations and roles of the Division for Historic Preservation (DHP), the responsibility of the Agency of Transportation (AOT), and the hiring of archaeologists to handle the immense workload that stemmed from this legislation and the discovery of more archaeological sites than anyone ever expected.

“Historic” as a time period began in Vermont in 1609, when Lake Champlain was discovered by Europeans and named by its explorer. Vermont underwent many changes in economy, and population, and had its share of hard times. Historic archaeology in Vermont includes both land sites and underwater sites, and is defined by the State Register of Historic Places, which mimics the National Register of Historic Places. The National Register is “the official federal listing of significant historic, architectural, and archaeological resources,” (DHP website), and the Vermont Register of Historic Places “identifies and documents significant historic and prehistoric resources throughout Vermont.” (DHP website). “Prehistoric” as a term in archaeology generally means “before writing,” and in Vermont refers to the time before European contact. Prehistoric Native American archaeological sites comprise a huge portion of Vermont’s history and archaeology preservation efforts.

In 1966, the United States government passed the Historic Preservation Act. Section 106 of the Act “requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.” (Advisory Council on Historic Preservation 2002). If a federal government agency is going to be funding any project that could affect historic properties, it is responsible for contacting the State Historic Preservation Officer (SHPO) in the state in which the project will occur and consult with them (Section 106 Regulations User Guide). The first step in the Section 106 process is to identify any historic (meaning historic or prehistoric) properties in the proposed project area. Background research is done, studies applying to the area are conducted, and specialists in applicable fields are consulted to investigate the area’s historic significance. If there is none, the project can go on as planned. It is up to the Division for Historic Preservation (which is also the State Historic Preservation Office) to be sure all federal agencies comply with Section 106 within the State of Vermont.

In 1975, the State of Vermont passed the Vermont
The State Archaeologist is responsible for making sure that state and federal agencies in Vermont are complying with the law. These regulations are not limited to Federal Section 106 and the Vermont Historic Preservation Act. The State Archaeologist is also responsible for all archaeological information in Vermont. The State Archaeologist is responsible for making sure that the site: Criterion 8: "Will not have an undue adverse affect on scene beauty, aesthetics, historic sites, or rare and irreplaceable natural areas; and will not destroy necessary wildlife habitat or any endangered species." (Argentine 1998)

Criterion 9: "Will conform to the capability and development plan, including, for instance, limiting development on primary agricultural soils, using the best available technology for energy efficiency, and using cluster planning in rural growth areas." (Argentine 1998)

Compliance with Criterion 8 and 9 are what concern the DHP. When Act 250 was passed, Criterion 8 was actually the most highly disputed section, since "undue adverse affect" is a subjective evaluation of any proposed project. Many people opposed it because they could not see how the environmental board reviewing the permit would be able to un-subjectively decide what is aesthetically pleasing and what is not, since people have varying opinions on such matters. Ultimately the Vermont Supreme Court ruled that the criterion was legal, because it does follow very specific guidelines as to what each section entails.

"Historic Sites" are the main body of work for the DHP when it comes to Act 250. It is defined in the statute at Section 6001(9) as "any site, structure, district or archaeological landmark which has been officially included in the National Register of Historic Places and/or the State Register of Historic Places or which is established by testimony of the Vermont Advisory Council on Historic Preservation as being historically significant." (Argentine 1998). The Environmental Board and local district boards that review Act 250 applications for permits must consider several things in deciding whether or not to issue a permit in regards to historic...
sites. They must assess whether the proposed project site is historic, whether the proposed project will have an adverse affect on the historic property, and whether any affect is undue (Re: Middlebury College, No. 9A0177-EB, Findings of Fact, Conclusions of Law, and Order. In Argentine 1998).

It is the responsibility of the DHP to do a site visit to whatever project is in question, evaluate the area, determine archaeological sensitivity and, if necessary, hire a consultant to do an archaeological investigation. Then recommendations are made to the board reviewing the permit application.

The aforementioned laws, Section 106 of the Federal Historic Preservation Act, the State Historic Preservation Act, and Act 250 are the primary laws that State Archaeologists work with, but there is another law that is only applicable to the Agency of Transportation. The Federal Highway Administration’s Section 4(f) involves regulating impacts to properties affected by highway projects.

"Section 4(f) refers to the original section within the Department of Transportation Act of 1966 which set the policy on park and recreational lands, wildlife and waterfowl refuges, and historic sites. The law, now designated 49 U.S.C. 303, is implemented by the Federal Highway Administration (FHWA) through regulations found at 23 CFR 771.135." . . . "4(f) applies to all projects that require approval by an agency of the U.S. Department of Transportation, including FHWA." (Federal Highway Administration Resource Center 2005). For more information: see FHWA’s 4(f) Policy Paper at www.fhwa.dot.gov/environment/guidebook/.

Finding Consultants for State Archaeology

With the Section 106, 22 VSA 14, and Act 250 laws in place and the need to complete the archaeological resources inventory in Vermont, Giovanna Peebles was faced with a massive challenge. Not only were sites constantly being affected, but also with new sewage projects happening all over the state, there was a high demand for archaeological clearance. Ensuring the compliance of state and federal agencies with the laws in place in Vermont meant that Peebles had a lot of work in front of her, and not enough time to do it in. Reviewing a site means first identifying resources, then evaluating their significance, and finally, determining the effect the project will have on the resource. Because of the time and effort this process entails, there was a need for consultants to help with the archaeological review process and make sure that agencies were following the laws.

The National Historic Preservation Act was passed in 1966, and Peebles was not hired until 1976, so in the meantime, federal agencies had turned to the assistance of the University of Vermont (UVM) Anthropology Department. With the work being done on Interstate 91 at the time, it was essential to have an archaeologist on board, and UVM’s William Haviland hired a crew of students to do the survey work with him. In 1976 with Due to the massive number of sewage projects in 1976, Haviland and fellow professor Marjory Power were being asked to do very technical cultural resource management work, which they had neither the time nor the technical training to do (Peebles to author January 2006). Although a more intensive program became necessary, Haviland and Power contributed a massive amount of time and energy to uncovering Vermont’s archaeological history, and were the first contracted archaeologists for the state. Jim Petersen was also a very active contributor to state work, working for the UVM Anthropology Department and with the UVM Consulting Archaeology Program (CAP), currently directed by Dr. John Crock.

In 1977, Peebles recommended that the University hire a full-time Ph.D. archaeologist, and so they brought on Peter Thomas, who headed the consulting program in 1978. Not only were sewer projects rapidly increasing in number, but federally funded bridge replacements and hydropower projects were also in the works, all falling under the legal jurisdiction of Section 106, creating an even larger demand for consulting archaeologists. In 1979, the state took on underwater archaeological sites as well, with Peebles and Art Cohn (of the Lake Champlain Maritime Museum) obtaining $150,000 in funds to begin an aggressive underwater preservation program (Peebles to author, January 2006).

The University of Vermont was the only cultural resource management firm around, and by 1985 Peebles was encouraging new consulting firms in the Northeast to do archaeology consulting in Vermont because the demand was so high. In 1985 the federal government hired its first full-time Forest Service Archaeologist in Vermont, David Lacy, who was a great help to Peebles, and in August 1986, Peebles brought on David Skinas to do archaeological surveys, which he did until 1994, when the United States Department of Agriculture (USDA) hired David Skinas as an archaeologist for the.
National Resources Conservation Service (formerly the Soil Conservation Service). Both David Lacy and David Skinas have been working in Vermont since. (Peebles to author).

Peebles also had the help of Dan Cassedy, who did environmental reviews for three years. In 1990, Peebles received a special Environmental Protection Agency grant to establish the "Archaeology on the Farm" program as part of Natural Resources Conservation Service, which was a pilot program for farmers in Addison County so that sites weren't destroyed. Peebles hired Jack Rossen, Ph.D. to implement the program. Over the years many more consultants have been hired by the state to work on our archaeological sites (Peebles to author, January 2006).

Programmatic Agreement
Agency of Transportation Permitting

Peebles was doing a lot of work for the Agency of Transportation as well as all of the other agencies doing work in Vermont, and needed someone to take over their permitting. With her convincing, in 1992, the Agency of Transportation (AOT) hired their own, and first archaeologist, Duncan Wilkie. Also in 1992, the AOT hired a Historic Preservationist, Bob McCullough, and a Biologist, John Lepore (who is still a member of the Environmental Section and goes on site visits with the archaeologists to determine wetland sensitivity). At this time when the AOT had a site, they needed the DHP to review it eleven times during the development of a typical highway project. In 1994, DHP agreed to drop that number of reviews to seven. It became clear that the AOT needed to handle its own consultants, and with Giovanna Peebles’ strong encouragement, the Programmatic Agreement (PA) writing process began.

In 1995 the AOT took over responsibility for reviewing all archaeological reports for highway projects. At this time, negotiations began to implement a PA, so that responsibilities were clear, and the AOT would be able to take over much of the DHP’s archaeological responsibilities concerning highway projects. Because of the backlog of work, in 1996, Duncan Wilkie was able to hire a Temporary Archaeological Assistant - Jeannine Russell - to review reports with him. It quickly became clear that the position was much more than temporary.

In February of 1997 the first PA draft was completed. The heart of the PA was really in delegating some of the DHP’s role in the AOT to Duncan Wilkie and Bob McCullough, who was replaced by Scott Newman. Wilkie and Newman worked long and hard on the PA, and regular meetings were arranged between the AOT and the DHP, copies were sent out for public review, and meetings were held to get public comments. By May of 2000, the Final Programmatic Agreement (FPA) was signed at the Vermont State House by the AOT, the DHP, the Federal Highway Administration, and the Advisory Council in Washington. In February of 2001, Duncan Wilkie and Scott Newman presented the “Manual of Standards and Guidelines” to the executive staff, and Brian Searles, then Secretary of the Agency of Transportation, signed off on it. This manual as well as the PA is the only one used by any state government in the United States. (Peebles and Wilkie to author, 2005, 2006).

Archaeology at the Agency of Transportation

This is where the involvement of the DHP’s influence on Transportation archaeology becomes the most minimal, and where the Agency takes on almost full responsibility for all of its own archaeology. As part of the Environmental Section within the Program Development Division, AOT archaeology and archaeologists are closely linked with other environmental resources. In the archaeology section there is Duncan Wilkie, Archaeology Officer, Jeannine Russell, Senior Archaeologist, and Chris Slesar, Environmental Specialist. While Slesar’s title is environmental, and the majority of the work he does is in environmental permitting, he takes responsibility for archaeological permitting for about a quarter of the State of Vermont. Russell has half of the state, and Wilkie has a quarter as well as many administrative duties.

Archaeologists Working in and for the State of Vermont

Giovanna Peebles (Figure 1) is the Vermont State Archaeologist, working in the DHP office, which is also the state’s Federal Historic Preservation Office. She began working for the state in 1976 and was welcomed with open arms. Giovanna was quick to organize the many responsibilities of her position and begin making sure that federal and state agencies in Vermont were complying with laws pertaining to archaeology. Peebles worked with people all over the state to ensure the pro-
Scott Dillon is a compliance archaeologist with the DHP. Dillon works on Section 106 and Act 250 archaeology. Up until the PA went into effect, Dillon worked closely with AOT archaeologists, attending all of their monthly meetings and ultimately being the person who signed off on their projects. With the PA, however, Dillon’s responsibilities to the Agency became much less intensive, and he is no longer required to be involved in their projects. Scott Dillon was hired shortly after David Skinas took his federal job with the Natural Resources Conservation Services, as he had held the position prior. Dillon is actively very involved with compliance issues, working with developers and state agencies to be sure archaeological resources are protected through the DHP.

Duncan Wilkie (Figure 2) joined the Vermont archaeology team in 1992, being the first archaeologist for the AOT. Wilkie had been employed by the New Hampshire Historic Preservation Office before coming to Vermont, as well as by Plymouth State College, NH. He had spent a significant amount of time setting up a graduate program for secondary and elementary education with a strong archaeology component. He was able to incorporate ten Ph.D. archaeologists into the program, teaching underwater, industrial, prehistoric, and historic archaeology, to name a few. This position had Wilkie driving all over New Hampshire between his two offices, and when funding in New Hampshire ended, he successfully applied for the AOT archaeology.

Figure 1. Vermont State Archaeologist Giovanna Peebles (photo courtesy of Giovanna Peebles).

Figure 2. AOT Archaeologist Duncan Wilkie (left) and helper testing in a cornfield at Derby for relocation of a town road (photo courtesy of Duncan Wilkie).
position. Since the work he had been doing for the State of New Hampshire had been largely compliance for roadway projects, he was perfect for the job in Vermont and started right off working on Act 250 and Section 106 permitting for the Agency.

Wilkie has currently been working on identifying some of the most unique and preservation-worthy sections of the interstate system in Vermont. It is now the 50th Anniversary of the Interstate Highway System (though it didn’t reach Vermont until 1958), and in recognition of this event, the Agency of Transportation is hoping to nominate a few of it’s interstate landmarks to the National Register of Historic Places. One of the unique areas Wilkie is looking at is the Crown Point Road underpass at Interstate 91 in Springfield, Vermont. The road is historically important to military activities in Vermont, and is one of the few roads (and oldest, having been built in 1760) that the interstate was built over. Another site of interest and importance was when Interstate 89 reached Canada in 1966. The event was attended by then President Lyndon Johnson and was a big accomplishment in Vermont’s highway history. The place the interstate first appeared in Vermont was in Vernon, which borders on Massachusetts, and this is where the Agency is hoping to commemorate the anniversary with a public event. Wilkie has been collecting historic photographs of interstate construction from all over the state, and is hoping to display them at the event. (Wilkie to author)

Jeannine Russell (Figure 3) is steeped in archaeology, and recently had the opportunity to uncover burials of soldiers from the War of 1812 in Burlington. Not only was she able to participate in the archaeological excavations herself, but she has also been involved in public outreach, giving lectures to students. UVM CAP headed the project, and they did an excellent job of excavating, researching and documenting the sites. As a state funded project, Jen Russell took part in as much of the process as she could, and dealt with the state aspects of the job. (Kate Kenny is an excellent resource at UVM CAP, and has done an immense amount of work on this project.) Not only does Jen Russell work on these kinds of projects, but she also is able to see, permit, and dig at sites all over the state. A portion of her Internet article on the War of 1812 burials and the reasons for AOT’s involvement follows:

“The North Street Reconstruction Project consisted of rehabilitation of North Street [in Burlington] including burial of utilities, new curbing and sidewalks. The project had been reviewed and cleared back in 2000. AOT was not anticipating finding burials within the project area due to the significant disturbance from the roadway, water, sewer, sidewalks and historic development and redevelopment that took place prior to the project.

Shortly after construction began during the summer of 2004, the first of several burials was discovered by the contractor along the south side of North Street toward the western end of the project (Figure 4). As soon as the first burial was discovered, AOT hired UVM CAP to monitor construction activities throughout the remainder of the project. CAP conducted extensive historic research and discovered evidence of previous accounts by townspeople of confirmed and unconfirmed human remains found mostly in old newspaper articles.” (Russell, “North Street, Burlington Burials of 1812”).

Chris Slesar (Figure 5) works in archaeology, habitat protection, and environmental permitting, and this habitat work is one of the many examples of the flexibility and diversity in state government. His AOT archaeological permitting responsibilities span one quarter of the state of Vermont. Chris combines his love
of environmental protection and permitting with archaeology and habitat reconstruction, most recently working to protect the Northern Racer Snake, previously thought to be extinct in the area.

"I have been working to address habitat mitigation for a project in southern Vermont that is going to impact habitat for the Eastern Racer snake. This snake was thought to have been extirpated from the state until it was discovered on one of our project sites. We have been working proactively with the Vermont Department of Fish and Wildlife to create habitat for these snakes before the project gets built. We have an interagency Memorandum of Understanding that outlines the work and our commitment to the advance of habitat mitigation." (Slesar to author, November 1, 2005).
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and mountains - something that was, of course, understood by Native people but underplayed by archaeologists and under-accounted for in our 'predictive' models.” (Lacy to author).

Lacy’s work has been particularly helpful with his continued work with the Native American community, and he has therefore been able to “[open] the door for them to participate in and know about the management of sites and land on the National Forest for the first time.” (Lacy to author). Lacy spent nine years serving on the Vermont Advisory Council on Historic Preservation, lending his experience and views on archaeological management. He has also been heavily involved in public outreach in Vermont.

“In the realm of public outreach, I was one of the team of folks that developed a Forest-based field school experience for kids - "Relics & Ruins" - which incorporates archaeological investigation, environmental science, and the humanities (writing, various arts media) which connects kids to the land. We have run this two-week experience nine of the last ten years, and anticipate having our tenth session this July 2006. We also have a one-week adult volunteer experience as part of the National Forest’s “Passport in Time” program, maintaining and restoring historic cemeteries on the National Forest. This “Remember Me As You Pass By” project has been running each fall for the last seven years.” (Lacy to author).

David Skinas (Figure 7) was initially hired in 1986 to help the DHP complete archaeological surveys, and then in 1994 he took a job with the Natural Resource Conservation Service (then called the Soil Conservation Service). Skinas’ career highlights are summed up nicely in his own words:

“I am the archeologist for the USDA Natural Resources Conservation Service (NRCS) in Vermont with additional responsibilities in Massachusetts and New Hampshire. NRCS provides technical and financial assistance to farmers and landowners to improve water quality, reduce soil erosion and enhance wildlife habitat while protecting the natural and cultural environment. Installation of many conservation practices requires extensive ground disturbance that has the potential to effect historic properties. NRCS considers cultural resources during the planning of all conservation practices to comply with Section 106 of the 1966 National Historic Preservation Act (36 CFR 800), as amended, and the 2004 State Level Programmatic

Figure 7. NRCS Archaeologist David Skinas in December 2005 (photo courtesy David Skinas).
significant enough to deserve special protection clauses in the deed easement to ensure long-term protection of these valuable sites. In partnership with the VHCB and various land trusts over the last fifteen years, FRPP projects have protected thousands of acres of farmland from development and in the process have also protected many of Vermont’s important precontact and historic archeological sites.

“I am the NRCS Tribal Relations liaison in Vermont who consults with the Abenaki and Stockbridge-Munsee Band of the Mohican to ensure that our conservation projects do not inadvertently disturb important heritage sites in the tribe’s respective homelands. I am also a member of the Governor’s Commission on Native American Affairs serving on my third two-year term.

“One of the most important tasks I have been involved with while working in Vermont is to identify and protect Native American burial grounds. I have conducted several ground penetrating radar studies in the Swanton-Highgate area to search for unmarked Abenaki graves in advance of house construction. These studies are conducted in close consultation with the St. Francis/Sokoki (Missisquoi) band of the Abenaki Nation and the Town Administrators of Swanton and Highgate as well as landowners and other partners.” (Skins to the author).

Vermont’s Archaeology

Archaeological protection by the state of Vermont is a significant part of our governing body. As is evident throughout this article, many people have been working long and hard to protect both Native American prehistoric sites and historic Euro-American sites here in Vermont. Educating the public has been a big part of all of this work, and these archaeologists have spent large quantities of their time and energy on public outreach and educating the younger generations in Vermont on the history of their State. Giovanna Peebles, Scott Dillon, Duncan Wilkie, Jeannine Russell, Chris Slesar, David Lacy, and David Skinas, all do an incredible amount of archaeological protection and preservation here in Vermont. They, of course, work together with many other archaeologists, both in private interest and consulting, that make up a team of dedicated and accomplished professionals.
Lydia C. Pitkin is an undergraduate anthropology major at the University of Vermont. She will be graduating the spring of 2006 and will then head to Nottingham, England, where she has been accepted to study for her Masters Degree in Archaeology. She grew up in Cabot, Vermont, and has had an interest in being in the soil as long as she can remember. She spent the summer of 2005 as the archaeology intern for Vermont Agency of Transportation, which solidified her desire to study archaeology. She is hoping to complete her dissertation work on archaeobotany and specialize in that field when she returns to the United States in 2007.